UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/763,975	01/22/2004	Brian J. Cox	388700-058B	7891	
37374 7590 09/16/2011 INSKEEP INTELLECTUAL PROPERTY GROUP, INC			EXAMINER		
2281 W. 190TH SUITE 200		SEVERSON, RYAN J			
TORRANCE, CA 90504			ART UNIT	PAPER NUMBER	
		3731			
			NOTIFICATION DATE	DELIVERY MODE	
			09/16/2011	ELECTRONIC	

# Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

inskeepstaff@inskeeplaw.com

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  • Extension of inemapy te available under the production of 30 FR1 1-1800, in newert, however, may a way be timely filled.  • 1 NO period for riscy is appelled above. The maximum statutory produce will apply and will social section to restrict a specified above. The maximum statutory produce will apply and will social section be marriaged attentions.  • Fallure to reply while this set of central period for regions will, by stable, scale the application to social period for section of the communication.  • Fallure to reply while the set of central period for regions will, by stable, scale the period by the period will be communication, even if timely filled may reduce any centred path time alignament.  • Fallure to result management.  • Fallure to result the maximum statutory should be applicant in response to a restriction requirement set forth during the interview on the produce this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.   Disposition of Claims  • Size Claim(s) 23-43 is/are pending in the application.  • Sa) Of the above claim(s) 23-39.42 and 43 is/are withdrawn from consideration.  • Claim(s) is/are allowed.  • Claim(s) is/are objected to.  • Claim(s) is/are objected to by the Examiner.  • Claim(s) is/are objected to by the Examiner.  • Application Papers  • Olimination of the drawing(s) to held in abeyance. See 37 CFR 1.85(a).  • Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.18(d).  • Priority under 35 U.S.C. § 119  • 11		Application No.	Applicant(s)					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER. FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER. FROM THE MAILING DATE OF THIS COMMUNICATION.  If No period for reply is appointed above, the renaminal statistics period oil largely and will easily SV (8) MONTH'S for the realing date of the communication.  If No period for reply is appointed above, the renaminal statistics period oil largely and will easily SV (8) MONTH'S for the realing date of this communication.  If No period for reply is appointed above, the renaminal statistics period oil largely and will easily SV (8) MONTH'S for the realing date of this communication.  If No period for reply is appointed above, the renaminal statistics period oil largely and will easily SV (8) MONTH'S for the realing date of this communication.  If No period for reply is appointed above, the renaminal statistics period oil largely and will easily SV (8) MONTH'S for the realing date of this communication.  If No period for reply is appointed and the realing date of the communication of the	Office Action Comment	10/763,975	COX, BRIAN J.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extension of time rays te evaluate under the provision of 37 CPI11 146(i). Into event, receiver, may anyly be timely fled  1 HO period for resty is appeciated above, the maximum statutory period will apply and will so pps 9 3 X (5) MONTHS from the maling date of this communication.  Fallus to receive within the set or extended period for relative the exclusion to become ABANDONED. 15 U. 3 C. 3 1 C. 3 1 C. 3 1 F. 3	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Exhibition of the remain by a satisfact with the provisions of 37 GFT. It isolat, inno worth, however, may a reply be simily filled.  - Exhibition to reply is specified above, he mainter maturating priorid will apply and will access 75 (K) (MOTH? Ferm the mailing date of this communication of the priority date of the south priority date of this communication of the communica		RYAN SEVERSON	3731					
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNATION.  Edenticine of their may be available under the provision of 3°CFR 11360, him event, however, may a may be timely lifed after 18 (8) MOSITISE from the mailing date of this communication.  False to receive the state of the communication of	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the	correspondence ad	ldress				
1)   Responsive to communication(s) filed on 27 April 2011.   2a	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any</li> </ul>							
2a)  This action is FINAL.  2b)  This action is non-final.  3)  An election was made by the applicant in response to a restriction requirement set forth during the interview on; the restriction requirement and election have been incorporated into this action.  4)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  5)  Claim(s) 23-43 is/are pending in the application. 5a) Of the above claim(s) 29-39.42 and 43 is/are withdrawn from consideration.  6)  Claim(s) is/are allowed.  7)  Claim(s) is/are objected to. 9)  Claim(s) is/are objected to. 9)  Claim(s) is/are objected to. 9)  Claim(s) is/are objected to by the Examiner.  11)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  12)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) Note of:  1.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  5  See the attached detailed Office action for a list of the certified copies not received.	Status							
2a)  This action is FINAL.  2b)  This action is non-final.  3)  An election was made by the applicant in response to a restriction requirement set forth during the interview on; the restriction requirement and election have been incorporated into this action.  4)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  5)  Claim(s) 23-43 is/are pending in the application. 5a) Of the above claim(s) 29-39.42 and 43 is/are withdrawn from consideration.  6)  Claim(s) is/are allowed.  7)  Claim(s) is/are objected to. 9)  Claim(s) is/are objected to. 9)  Claim(s) is/are objected to. 9)  Claim(s) is/are objected to by the Examiner.  11)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  12)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) Note of:  1.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  5  See the attached detailed Office action for a list of the certified copies not received.	1) Responsive to communication(s) filed on 27 Ar	nril 2011						
An election was made by the applicant in response to a restriction requirement set forth during the interview on; the restriction requirement and election have been incorporated into this action.  4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  5) Claim(s) 23-43 is/are pending in the application. 5a) Of the above claim(s) 29-39,42 and 43 is/are withdrawn from consideration. 6) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 8) Claim(s) is/are objected to. 9) Claim(s) is/are objected to. 9) Claim(s) is/are objected to by the Examiner. 11) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner. Application Papers  10) The specification is objected to by the Examiner. 11) The drawing(s) filled on is/are: a) accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(e) 1) Notice of References Cited (PTO-892) 3) Information Disclosure Statement(s) (PTO-880) 5) Notice of Informal Patent Application								
; the restriction requirement and election have been incorporated into this action.  4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  5) ☐ Claim(s) 23-43 is/are pending in the application.  5a) Of the above claim(s) 29-39.42 and 43 is/are withdrawn from consideration.  6) ☐ Claim(s)	<i>'</i>		set forth during the	e interview on				
4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  5) Claim(s) 23-43 is/are pending in the application. 5a) Of the above claim(s) 29-39.42 and 43 is/are withdrawn from consideration. 6) Claim(s) is/are allowed. 7) Claim(s) 23-28.40 and 41 is/are rejected. 8) Claim(s) is/are objected to. 9) Claim(s) are subject to restriction and/or election requirement.  Application Papers  10) The specification is objected to by the Examiner. 11) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(e) 1) Notice of References Cited (PTO-992) 2) Notice of Draftsperson's Patient Drawing Review (PTO-948) 3) Hormation Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application	•	·	_					
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.   Disposition of Claims  5) Claim(s) 23-43 is/are pending in the application. 5a) Of the above claim(s) 29-33.42 and 43 is/are withdrawn from consideration.  6) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 7) Claim(s) is/are objected to. 9) Claim(s) is/are objected to. 9) Claim(s) is/are objected to piected to. 9) Claim(s) is/are subject to restriction and/or election requirement.  Application Papers  10) The specification is objected to by the Examiner. 11) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s) 1) Notice of References Cited (PTO-892) 2) Paper No(s) Mail Date. 7) Solice of Informal Patent Application		· ·		e merits is				
Disposition of Claims  5)	· · · · · · · · · · · · · · · · · · ·	·						
Simple   S	·	, , , , , , , , , , , , , , , , , , ,						
5a) Of the above claim(s) 29-39.42 and 43 is/are withdrawn from consideration.  6) □ Claim(s) is/are allowed.  7) □ Claim(s) 23-28.40 and 41 is/are rejected.  8) □ Claim(s) is/are objected to.  9) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  10) □ The specification is objected to by the Examiner.  11) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  12) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) □ Notice of Preferences Cited (PTO-892)  20 □ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) □ Information Disclosure Statement(s) (PTO/SB/08)  5) □ Notice of Informal Patent Application	Disposition of Claims							
6) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 8) Claim(s) is/are objected to. 9) Claim(s) is/are objected to. 9) Claim(s) is/are objected to restriction and/or election requirement.  Application Papers  10) The specification is objected to by the Examiner. 11) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.         Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).         Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).         a) All b) Some * c) None of:         1. Certified copies of the priority documents have been received.         2. Certified copies of the priority documents have been received in Application No         3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s) 1) Notice of References Cited (PTO-892) 2 Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application	5) Claim(s) <u>23-43</u> is/are pending in the application	l.						
7) Claim(s) 23-28.40 and 41 is/are rejected. 8) Claim(s) is/are objected to. 9) Claim(s) are subject to restriction and/or election requirement.  Application Papers  10) The specification is objected to by the Examiner. 11) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of Paftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-892) 3) Notice of Informal Patent Application	5a) Of the above claim(s) 29-39,42 and 43 is/ar	5a) Of the above claim(s) <u>29-39,42 and 43</u> is/are withdrawn from consideration.						
S   Claim(s) is/are objected to.   9   Claim(s) are subject to restriction and/or election requirement.   Application Papers	6) Claim(s) is/are allowed.							
Application Papers  10	7)⊠ Claim(s) <u>23-28,40 and 41</u> is/are rejected.	Claim(s) <u>23-28,40 and 41</u> is/are rejected.						
Application Papers  10) The specification is objected to by the Examiner.  11) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some colonical None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of Beferences Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application	8) Claim(s) is/are objected to.	Claim(s) is/are objected to.						
10) The specification is objected to by the Examiner.  11) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application	9) Claim(s) are subject to restriction and/or	9) Claim(s) are subject to restriction and/or election requirement.						
11) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application	Application Papers							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)	10) The specification is objected to by the Examiner	,						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Braftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)								
12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)								
Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some color None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application								
a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  1 Information Disclosure Statement(s) (PTO/SB/08)	Priority under 35 U.S.C. § 119							
2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application	a) ☐ All b) ☐ Some * c) ☐ None of:							
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application								
application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)  1 Notice of Informal Patent Application								
* See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)  * See the attached detailed Office action for a list of the certified copies not received.  4) Interview Summary (PTO-413) Paper No(s)/Mail Date.  5) Notice of Informal Patent Application	_ ' ' ' '							
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  4) Interview Summary (PTO-413) Paper No(s)/Mail Date  5) Notice of Informal Patent Application								
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date.  5) Notice of Informal Patent Application	* See the attached detailed Office action for a list of the certified copies not received.							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date.  5) Notice of Informal Patent Application	Attachment(s)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date Notice of Informal Patent Application	···							
5) — III - III	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	_						

Application/Control Number: 10/763,975 Page 2

Art Unit: 3731

#### **DETAILED ACTION**

#### Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/27/2011 has been entered.

## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 23-28, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deem et al. (6,231,597) in view of Boock (6,309,367). Deem et al. disclose a device that is a support structure (see figure 4) sized for placement at an aneurysm (see figure 11B). The support structure has a bridge portion or occlusion region (15, see figure 1) that spans the neck of the aneurysm (see figure 11A). The support structure has an open configuration (see figure 4).
- 4. However, the embodiment of Deem et al. described above does not disclose the support structure is non-tubular. Attention is drawn to figure 13 of Deem et al., which shows a support structure that does not form a complete loop (see column 8, lines 8-

Application/Control Number: 10/763,975

Art Unit: 3731

17), which would be beneficial because the support structure does not obstruct as much of the lumen, thereby reducing the resistance to blood flow through the area in which the support structure is placed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the embodiment in figures 1 and 11A of Deem et al. with the support structure that does not encompass the entire circumference of the lumen in the manner taught in figure 13 so as not to obstruct as much of the lumen, thereby reducing the resistance to blood flow through the area in which the support structure is placed.

Page 3

- 5. Further regarding claims 23 and 40, Deem et al. disclose substantially identical embodiments in figures 12 and 13, wherein the only difference is the end portions extend around the entire circumference of the lumen in figure 12 and do not in figure 13. This is further evidence that the support structure can perform equally well configured in either fashion and there would be no disadvantage to modifying the embodiment of figures 1 and 11A to have the end portions extend only about a portion of the circumference of the lumen.
- 6. Deem et al. fail to disclose a volumetrically expandable reactive material on the bridge portion. Attention is drawn to Boock, who teaches a swellable (volumetrically expandable) material (94, see figure 13) on the central portion (analogous to the bridge portion of Deem et al.) of an aneurysm treatment device to provide a seal at the aneurysm neck that prevents fluid from passing into the aneurysm (see column 4, lines 15-21 of Boock). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a volumetrically expandable

Art Unit: 3731

reactive material on the bridge portion of Deem et al. as suggested by Boock to seal the neck of the aneurysm.

- 7. Regarding claims 24, 25 and 41, the arced configuration of Deem et al. is curved and coiled (see figure 1) and conforms to the lumen it is placed in (see figure 11A).
- 8. Regarding claim 26, the support structure of Deem et al. includes a sinusoidal body portion (elements 14 form a sinusoidal pattern, see figure 1).
- 9. Regarding claim 27, the sinusoidal pattern of Deem et al. is only disposed in the bridge portion, which lies between the opposing ends of the support structure.
- 10. Regarding claim 28, the bridge portion of the combination of Deem et al. and Boock includes the reactive material (as described above in paragraph 6).

## Response to Arguments

- 11. Applicant's arguments filed 4/27/2011 have been fully considered but they are not persuasive.
- 12. Applicant argues the combination of Deem et al. and Boock fails to disclose the causal relationship between the reactive state of the reactive material and the flow restriction characteristics of the bridge or occlusion region.
- 13. However, Examiner notes that each of claims 23 and 40 require the device or implant to have a bridge portion or occlusion region, respectively, where the bridge portion or occlusion region *includes* a reactive material. This is a clear indication that the reactive material is considered to be a part of the bridge portion or occlusion region. Turning to the prior art, Examiner contends that since the reactive material as taught by Boock is to be incorporated onto the bridge portion or occlusion region of Deem et al. as

Application/Control Number: 10/763,975 Page 5

Art Unit: 3731

suggested in the rejection above, the reactive material in the combination would be a part of the bridge portion or occlusion region, as claimed. At that point, the bridge portion or occlusion region restricts the flow of blood to an aneurysm because it includes the reactive material.

14. Applicant also argues the proposed modification as outlined above and in the previous rejection would improperly modify the principle of operation of the Deem et al. stent. However, Examiner contends that Deem et al. provide no disclosure discouraging the addition of other materials to improve upon the device. Simply because the Deem et al. device only spans the neck of the aneurysm is not an indication that one skilled in the art would have found the combination non-obvious. The modification would not render the Deem et al. device unsuitable for its intended purpose because it would still span the neck of an aneurysm.

#### Conclusion

- 15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Severson whose telephone number is (571) 272-4076. The examiner can normally be reached on Monday-Friday, 9:00 a.m. 5:30 p.m.
- 16. If attempts to reach the examiner by telephone are unsuccessful, *please contact* the examiner's supervisor, Tom Hughes, *at* (571) 272-4357. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
- 17. If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to TC3700\_Workgroup\_D\_Inquiries@uspto.gov.

Application/Control Number: 10/763,975 Page 6

Art Unit: 3731

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan J Severson/ Primary Examiner, Art Unit 3731 9/12/11